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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) CR No.: 3-08-70174 JCS
18 Plaintiff,)
19 v.)
20 JOSE MEDINA,)
21 Defendant.)

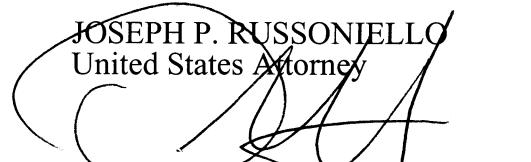
22 **STIPULATION AND [PROPOSED]
23 ORDER EXCLUDING TIME**

24 On April 14, 2008, the parties in this case appeared before the Court for a preliminary
25 hearing. At that time, the parties requested and the Court agreed to continue the hearing to
26 April 25, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal
27 Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 14,
28 2008, to and including April 25, 2008. The parties agree that – taking into account the public
interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant
also agrees to exclude for this period of time any time limits applicable under Title 18, United
States Code, Section 3161. This continuance is the reasonable time necessary for continuity of

1 defense counsel and effective preparation of defense counsel, taking into account the exercise of
2 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice
3 served by granting such a continuance outweigh the best interests of the public and the defendant
4 in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

5 SO STIPULATED:

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7 DATED: 4/15/08

JOSEPH P. RUSSONIELLO
United States Attorney

OWEN P. MARTIKAN
Assistant United States Attorney

10 DATED: 4/14/08


RONALD C. TYLER
Attorney for Jose Medina

13 ~~PROPOSED~~ ORDER

14 For the reasons stated above, the Court finds that an exclusion of time from April 14, 2008,
15 to and including April 25, 2008, is warranted and that the ends of justice served by the
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
18 deny Mr. Medina continuity of counsel and would deny defense counsel the reasonable time
19 necessary for effective preparation, taking into account the exercise of due diligence, and would
20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21 SO ORDERED.

22 DATED: April 16, 2008


HON. JAMES LARSON
United States Magistrate Judge